



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (PD) (MD) No.2113 of 2021

P.Subramaniyan

.. Petitioner/Plaintiff

-vs-

1.Arulmighu Swetha Vigneswarasamy Temple,
Also known as Arulmighu Kabartheeswarar Temple,
Rep., by Saminathasamy Temple,
Swamimalai Executive Officer.
Thiruvalanchuzhi, Kumbakonam Taluk and Munsifi,
Thanjavur District.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai and District Munsifi,
Mayiladuthurai, Thanjavur District.

3.The State of Tamil Nadu,
Rep., by the Collector of Thanjavur,
Collectorate,
Thanjavur and District Munsifi.

.. Respondents/Defendants

Prayer :- Petition filed under Article 227 of the Constitution of India to direct the Principal Sub Court, Kumbakonam, to number the suit and take it on its file, filed by the petitioner/plaintiff before that Court in Filing No.9645 A of 2021 dated 14.12.2021 (F.No.1962/2021 TNTJIA0016672021) in unnumbered O.S.No.----- of 2021 within the time to be stipulated by this Court.

For Petitioner

: Mr.V.K.Vijayaragavan

ORDER

This Civil Revision Petition is filed challenging the return of the unnumbered plaint in O.S.No.---- of 2021 by the learned Principal Subordinate Judge, Kumbakonam.

2.Perusal of the plaint would indicate that the suit has been returned twice for certain compliance primarily on the issue as to



how the suit was maintainable before the Civil Court, in the light of the bar in the Hindu Religious and Charitable Endowments Act. The petitioner/plaintiff has re-presented it once. However, the learned Judge has once again returned the same. The petitioner without re-presenting the papers, has straightaway rushed to this court. Therefore, this Civil Revision Petition is dismissed with a direction to the revision petitioner to re-present the papers. On such re-representation, the learned Principal Subordinate Judge, Kumbakonam, shall pass orders either to number the suit or if the learned Judge is not convinced with the explanation offered, should call the same in the open Court, hear the plaintiff and pass orders thereon. The said exercise shall be completed within a period of 10 days from the date of re-representation of papers by the petitioner herein. However, there shall be no order as to costs.

3.Registry is directed to return the original plaint to the learned counsel for the petitioner, after getting due acknowledgement.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The Principal Sub Court,
Kumbakonam.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai and District Munsifi,
Mayiladuthurai, Thanjavur District.
- 3.The Collector of Thanjavur,
Collectorate,
Thanjavur and District Munsifi.



Copy to

The Section Officer,
E.R.Section,
Madurai Bench of Madras High Court,
Maduari.

+1 CC to M/s.SPL GP (SR-40443[F] dated 27/12/2021)

C.R.P. (PD) (MD) No.2113 of 2021

Dated: 23.12.2021

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